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EXAMINER

SPAHN, GAY

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

CONTINUATION SHEET
to
Notice of Non-Compliant Amendment (37 CFR 1.121)

Continuation of 1C Other:

The examiner notes that Applicants did correctly amend the Abstract of the Disclosure in the "Amendment Responsive to November 10, 2009 Office Action" filed 07 December 2009 by placing it on a separate sheet and showing the changes by underlining those words added and striking-through those words deleted with respect to the immediate prior version of the Abstract of the Disclosure.

However, the Notice of Non-Compliant Amendment (37 CFR 1.121) in the paragraph numbered 2 towards the bottom thereof stated that "[i]f any of the above boxes 1. to 4. are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121." The Manual of Patent Examining Procedure or MPEP section 714 describes the manner of making amendments and defines that each amendment document must be broken down into sections (e.g., Specification Amendments, Claim Amendments, Drawing Amendments, and Remarks – see section 714 entitled "Amendments, Applicant's Action, subsection II entitled "Manner of Making Amendments Under 37 CFR 1.121", subsection A entitled "Amendment Sections"), Under "(B)" of subsection A entitled "Amendment Sections", it is clearly stated that the amendments to the abstract of the disclosure is part of the "Specification Amendments" section.

Therefore, in response to the Notice of Non-Compliant Amendment, Applicants should have submitted an entire corrected "Amendments to the Specification" section including the amended Title of the Invention as on page 3 of the "Amendment" filed 08 September 2009, the instructions to amend paragraphs 19-30 as on page 4 and the amended paragraphs 19-30 as on pages 5-9 of the "Amendment" filed 08 September 2009, along with the correctly amended Abstract on a separate sheet as on page 2 of the "Amendment Responsive to November 10, 2009 Office Action" filed 07 December 2009.

The examiner notes that the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed 10 November 2009 meant that the "SPECIFICATION AMENDMENTS" section of the "Amendment" filed 08 September 2009 was not entered because it was found defective and therefore, a complete or entire new "SPECIFICATION AMENDMENT" was being required and should have been included in Applicants' response to the Notice of Non-Compliant Amendment (37 CFR 1.121).

Finally, the examiner notes that in the amended paragraphs 19-30, at the first occurrence of "torx" in the specification, Applicants have changed it to –Torx—and added the generic terminology of "star screw" and at all other occurrences of "torx" Applicant have changed "torx" to –star--. The examiner notes that she was wrong when she stated that only the first letter of the trademark should be capitalized. MPEP § 608.01(v) entitled "Trademarks and Names used in Trade", subsection I entitled "Trademarks", in the second sentence of sixth paragraph, states that each letter of the trademark must be capitalized.

Continuation of 4E Other:

The examiner apologizes for not noticing that claims 1 and 12 are not amended correctly with respect to the immediate prior version of those claims (i.e., the claims as they appeared in the 01 April 2008 amendment document) and noting this in her "Notice of Non-Compliant Amendment 937 CFR 1.121)" mailed 10 November 2009.

Claim 1 is not amended correctly with respect to the immediate prior version of the claim (i.e., claim 1 as it appeared in the 01 April 2008 amendment document). More particularly, in line 13 of claim 1 as it appeared in the 01 April 2008 amendment document, Applicants had "fastening means being virtually vandal proof-₁". However, in line 12 of claim 1 of the amendment document filed 07 December 2009, Applicants have --said fastening means further being vandal proof using conventional tools--. Therefore, Applicants have completely left out the word "virtually" when that word should be stricken-through and the comma punctuation mark should not be underlined.

Additionally, claim 1 has not been amended correctly on line 14 thereof in the amendment document filed 07 December 2009 because the word "non-standard" appeared in line 15 of claim 1 as it appeared in the 01 April 2008 amendment document and therefore the word "non-standard" should be stricken-through in line 14 of claim 1 in the 07 December 2009 amendment document either before or after the added words --modified conventional--.

The last three lines (i.e., lines 16-18) of claim 1 as it appeared in the amendment document filed 01 April 2008 were "the only visible portion of the fastening means on the visible facing object being a small access hole in the visible facing object located

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inwardly from the edges thereof", but the last two lines (lines 15 and 16) of claim 1 as it appears in the 07 December 2009 amendment document as --the fastening means including a small access hole in the visible facing object, said access holes being located inwardly from the peripheral edges thereof-- and thus were not amended correctly with respect to the immediate prior version of the claim. It is believed the last two lines of claim 1 in the amendment document filed 07 December 2009 should have appeared as follows:

~~the only visible portion of the fastening means on the visible facing object being~~
including a small access hole in the visible facing object, said access hole being located
inwardly from the peripheral edges thereof.

Finally, claim 12, line 26, of the 07 December 2009 amendment document is not amended correctly with respect to the immediately prior version of claim 12 as it appeared in the 01 April 2008 amendment document. More particularly, lines 23-24 of claim 12 in the amendment document filed 01 April 2008 read "a tube surrounding the rivet nut screw and extending between the rivet nut in its as made condition and the base of the larger access hole". Lines 25-26 of claim 1 as it appears in the 07 December 2009 amendment document reads --a tube surrounding the rivet nut screw and extending between the rivet nut ~~in its as made condition~~ and the base of the large access hole" (i.e., the word "large" is wrong and should have been --larger-- or amended to strike-through of double-bracket the "r" on the word "larger"). In other words, the amendment in the 07 December 2009 amendment should have appeared as

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follows: --a tube surrounding the rivet nut screw and extending between the rivet nut in
~~its as made condition~~ and the base of the large[[r]] access hole--.

/Gay Ann Spahn/

Gay Ann Spahn, Primary Examiner

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